

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

LEVI YODER, JONAS ZOOK, SAM ZOOK, JOHN L. HERSHBERGER, MENNO S. HERSHBERGER, URIE HERSHBERGER, MENNO L. GLICK, ANDY A. MILLER, DANNIE L. SWARTZENTRUBER, MOSIE SWARTZENTRUBER, PETER D. SWARTZENTRUBER, BISHOP HARVEY MILLER, and BISHOP MOSE MILLER,	:		
	:		
Plaintiffs,	:		
	:		
v.	:		
	:		
TOWN OF MORRISTOWN, LANETTA KAY DAVIS, in her official capacity; FRANK L. PUTMAN, in his official capacity; HOWARD WARREN, in his official capacity; DAVID STOUT III, in his official capacity; MARK BLANCHARD, in his official capacity; CHRISTOPHER COFFIN, in his official capacity; and GARY TURNER, in his official capacity,	:		
	:		
Defendants.	:		

No. 09-CV-0007 (TJM/GHL)

ECF CASE

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon Plaintiffs' Memorandum of Law and Affidavit of Daniel P. Goldberger, filed on March 2, 2010, Docket No. 51, and all the pleadings and proceedings had herein, Plaintiffs shall move this Court, at a date and time to be set by the Court, in the U.S. Courthouse at 455 Broadway in Albany, New York, for leave to file a sur-reply brief

as described in and attached to Plaintiffs' Motion for Leave to File Sur-reply, filed March 2, 2010, Docket No. 51.

Dated: March 2, 2010
New York, NY

Respectfully submitted,

By: s/ Michael T. Mervis
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